

ORDINANCE NO. O-19-665

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY,
WASHINGTON, AMENDING SECTION 9.05.510 OF THE
MAPLE VALLEY MUNICIPAL CODE ENTITLED
“PARKS,” PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE AND CORRECTIONS**

WHEREAS, the Maple Valley Municipal Code (MVMC) includes a section, section 9.05.510, entitled “Parks,” that establishes certain city park related activities as misdemeanors; and

WHEREAS, the City Council was presented with language amending section 9.05.510 at the April 15, 2019 City Council work session; and

WHEREAS, amendment of section 9.05.510 of the Maple Valley Municipal Code is necessary to ensure consistency with other sections of our city code, to create language specific to Maple Valley instead of King County, as was originally adopted, and to include substantive language within each subsection; and

WHEREAS, input and feedback was provided by the City Council at the April 15, 2019 work session which the City staff has incorporated into the subject amended ordinance; and

WHEREAS, it is the City Council’s desire to adopt amended section 9.05.510 of the Maple Valley Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 9.05.510 of the Maple Valley Municipal Code, entitled “Parks,” is hereby amended to read as follows (new text in underline; deleted text in ~~strikethrough~~):

9.05.510 Parks.

A. Definitions

1. “Department” means the City of Maple Valley Parks and Recreation Department.

2. “Loitering” - Unlawful - determination. It is unlawful for any person to loiter or prow in a place, at a time, or in a manner, and under circumstances that manifest an unlawful purpose or warrant alarm for the safety of persons or property in the vicinity. Circumstances which may be considered in determining whether such unlawful purpose in manifested or such alarm is warranted include, but are not limited to, the following: flight by the person upon appearance of a law enforcement officer; refusal by the person to respond to law enforcement's request for identification; or the person manifestly endeavoring to hide the person's self or to conceal any object.

The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference:

KCC

~~7.12.410 Pets in county park facilities.~~

~~7.12.420 Disturbance by animals prohibited.~~

~~7.12.440 Littering.~~

~~7.12.480 Presence in parks during hours the park is closed.~~

~~7.12.490~~ **B. Loitering.**

Loitering is prohibited in restrooms in park and recreation facilities.

7.12.550 C. Damage to property/wildlife.

1. It is unlawful for any person except a duly authorized department employee in the performance of the employee's duties, or other person duly authorized pursuant to law, to remove, destroy, mutilate or damage any structure, lawn, monument, statue, vase, fountain, wall, fence railing, vehicle, bench, shrub, tree, geological formation, plant, flower lighting system, sprinkling system, gate, barricade or lock or other property lawfully in any park, or to remove sand, soil, or sod in any park. No person shall cut down, destroy, or in any way injure any vegetation, living or dead, in any park area unless authorized to do so by the department. No person shall deface, damage or destroy any property, material or equipment which is under the jurisdiction of the department.

2. Except for fishing and shellfishing in authorized areas and subject to rules promulgated by the Washington Fish and Wildlife Commission, it is unlawful in any park in any manner to attempt to capture, tease, annoy, disturb, or strike any animal, with any stick, weapon or other device or throw or otherwise propel any missile or other object at or in the vicinity of any such animal.

7.12.580 D. Waste from vehicles.

No person shall drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, except in designated disposal areas or receptacles in any park area.

~~7.12.640. Alcoholic beverages.~~

7.12.642 E. Intoxication.

Being or remaining in, or loitering about in a City park while in a state of intoxication is prohibited.

7.12.645 F. Interference with trails.

It shall be unlawful for any person to place, deposit, or otherwise cause or suffer to be located any structure, device, or natural or artificial thing that threatens or endangers any portion of a trail owned or maintained by the City of Maple Valley, or that tends to endanger persons traveling thereon, obstructs or tends to obstruct or constitutes a hazard to persons traveling thereon. This section shall not apply to employees of the City of Maple Valley in the performance of their duties or to persons acting pursuant to written direction of the City of Maple Valley.

7.12.700 Enforcement Methods G. Penalty.

Any person found guilty of violating any provision of this section is guilty of a misdemeanor and is punishable, upon conviction, by a fine of \$1,000.00 or by confinement in the city jail for a period not exceeding 90 days, or both.

7.24.070 Penalty H. Enforcement methods.

The City of Maple Valley Police Department shall enforce the provisions of this section. The initial method of enforcement shall be by a request for voluntary compliance.

12.64.010 Loitering I. Trespass.

Any person who is found guilty of committing a crime on City park property may be trespassed from the City park at which the crime was committed. The crimes to which this provision applies are found in MVMC Title 9.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or section/subsection numbering.

ADOPTED ON MAY 13, 2019 AT A REGULAR BUSINESS MEETING BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY:

MAYOR SEAN P. KELLY

ATTEST/AUTHENTICATED:

CITY CLERK, SHAUNNA LEE-RICE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____

PATRICIA TARADAY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

Date of Publication: May 17, 2019

Effective Date: May 21, 2019

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